

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS TOMAS GARCIA,

Petitioner,

v.

JARED LOZANO,

Respondent.

No. 2:22-cv-00629-TLN-AC

**ORDER**

Petitioner, a state prisoner proceeding *pro se*, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 12, 2022, the magistrate judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 9.) Petitioner requested and was granted an extension of time to file objections, (ECF Nos. 10, 11), and has now filed untimely objections to the findings and recommendations, (ECF No. 12).<sup>1</sup> The objections include a request for a certificate of appealability on the issues of whether the Board of Parole

---

<sup>1</sup> Objections were due by June 23, 2022 and were not received by the Court until July 8, 2022. Petitioner cannot benefit from the prison mailbox rule because the objections are not dated nor accompanied by a certificate of service.

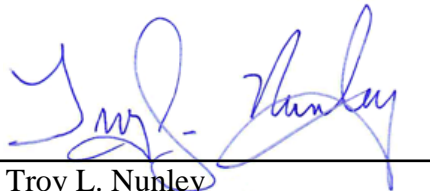
Hearings failed to provide comprehensive reasons for denying parole and whether it identified evidence in the record supporting its claims. (*Id.* at 7.)

Although the objections are untimely, in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed April 12, 2022, (ECF No. 9), are adopted in full;
2. Petitioner's application for writ of habeas corpus is DISMISSED; and
3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

**DATED: July 22, 2022**



Troy L. Nunley  
United States District Judge